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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 07-00341 JF
12)
Plaintiff,)
13 v.) **STIPULATION TO CONTINUE**
) **STATUS HEARING DATE;**
) **[PROPOSED] ORDER**
14 JAVIER BADILLO-PINEDA,)
)
15 Defendant.)
16 _____)

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing date in the above-captioned matter, presently
19 scheduled for Thursday, July 12, 2007, at 9:00a.m., be continued to Wednesday, July 25, 2007, at
20 9:00a.m. The parties request a continuance due to ongoing defense investigation and preparation.

21 The parties further agree and stipulate that time should be excluded from and including
22 July 12, 2007 through and including July 25, 2007, to provide counsel reasonable time to
23 prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the
24 United States and the defendant agree that granting the requested exclusion of time will serve the
25 interest of justice and outweigh the interest of the public and defendant in a speedy trial.
26

1 Dated:07/11/2007

/s/

NICHOLAS P. HUMY
Assistant Federal Public Defender

3 Dated:07/11/2007

/s/

BENJAMIN KENNEDY
Assistant United States Attorney

6 **ORDER**

7 The parties have jointly requested a continuance of the hearing set for July 12, 2007 due
8 to ongoing defense investigation and preparation.

9 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
10 presently set for July 12, 2007 be continued to July 25, 2007 at 9:00a.m as well as the period of
11 delay from July 12, 2007, to and including July 25, 2007, be excluded for purposes of Speedy
12 Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and
13 3161(h)(8)(B)(iv).

15 Dated:

JEREMY FOGEL
United States District Judge